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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,630	02/09/2004	Fathy Yassa		1745
Fathy Yassa 4439 Esta Lane Soquel, CA 95073			EXAMINER SOBUTKA, PHILIP	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 09/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,630

Applicant(s)

YASSA, FATHY

Examiner

PHILIP J. SOBUTKA

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION
STATUS IDENTIFIERS

1. Applicant has again used improper identifiers. The term "withdrawn" is reserved for claims that are subject to a restriction requirement only. It is believed applicant may have intended to cancel the claims labeled as withdrawn. However, in order to advance prosecution, which has been delayed repeatedly by applicant's inadvertent errors, they have been treated as they are still pending.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Note that the term "non-PC based" has been taken to mean non hard drive, i.e. DVD. However since a pc could clearly utilize DVD or various other type storage devices this terminology would be confusing. It should be changed to conform to the storage devices recited in the instant specification.

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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5. Claim 14 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. the term "peer to peer" is not defined or even recited in the specification.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. the claim recites the storage device not being connected to a personal computer, however the elements of claim 1 describe a PC.

Note that the claim has been interpreted to mean that the storage device is not connected to an additional PC.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1,3,4,12 are rejected under 35 U.S.C. 102(e) as being anticipated by Cupps (US 2002/0173344).

Consider claim 1. Cupps teaches a wireless devices comprising
a microprocessor (*figure 3, item 302*),
ROM (*figure 3, item 327*),
RAM (*figure 3, items 310*),
a mass storage device (*figure 3, item 325*),
a display unit with sufficient resolution to display multi-media (*figure 3, item 307*),
software (*paragraphs 33,34,54-58*),
a module for entering keyed commands (*figure 3 item 309*), and
one or more wireless modules configured to communicate with non-internet
based wireless devices (*figure 3, items 371*).

As to claim 3, (*Note, see rejection under 112 above*) Cupps teaches the device of claim 1, where the mass storage device is not connected to a personal computer (*Note that the claim has been interpreted as meaning that the storage device is not connected to an additional PC, since the items of claim 1 clearly define a PC, therefore Cupps does not teach the need of an additional PC*).

As to claim 4, Cupps teaches the device of claim 1, where the mass storage device is not connected to a wide area global network (*note that the device of Cupps could function even if it were not connected to a wireless network, since use with a wide area global network is only one embodiment as described in paragraph 26*).

As to claim 12, note that of course Cupps teaches the mass storage device of claim 1 where the mass storage device translates the data into a form useable by the hand held device, or else the data accessed would be unusable (*Cupps see paragraphs 51-53, 61*).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention date of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 13,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps.

Consider claim 13 (note the rejections under 112 above). Cupps teaches the mass storage device of Claim 3, but lacks a teaching of where the mass storage device

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is a non-PC type of mass storage device. Official Notice is taken that non-pc, i.e. non-hard drive type storage devices are notoriously well known in the art. Note that some have the ability to easily change out memory, such as with DVD drives. Therefore it would have been obvious to one of ordinary skill in the art to modify the arrangement as shown in the claim in order to use a storage device which allows for easy change out.

Consider claim 14. Cupps teaches the device of claim 1, where the mass storage device can communicate with the device using peer to peer private communications protocol. Official Notice is taken that peer to peer private protocols are well know in the art. Therefore it would have been obvious to one of ordinary skill in the art to mdoify the arrangement to use a peer to peer protocol in order to eliminate the need of using a communications' network.

13. Claims 2,5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps in view of Yeh (US 2004/0204053).

Consider claim 2, Cupps as applied to claim 1, lacks a teaching of where the mass storage device is not physically connected to the device.

Yeh teaches a storage device which is wirelessly connected to a computer device in order to eliminate the limitations of using cables (Yeh see paragraphs 5-8). Therefore it would have been obvious to one of ordinary skill in the art to modify Cupps to have the storage device connected wirelessly in order to eliminate the limitations of

cables as taught by Yeh. Note that a wireless connection would mean the device is not physically connected to the storage.

Consider claim 5. Cupps as applied to claim 1, lacks a teaching of where the mass storage device can send and receive information wirelessly.

Yeh teaches a storage device which is wirelessly connected to a computer device in order to eliminate the limitations of using cables (Yeh see paragraphs 5-8). Therefore it would have been obvious to one of ordinary skill in the art to modify Cupps to have the storage device connected wirelessly in order to eliminate the limitations of cables as taught by Yeh.

As to claim 7, Cupps teaches the device as applied to claim 5, where one wireless module includes wi-fi (*Cupps see figure 3, item 371*).

As to claim 8, Cupps teaches the device as applied to claim 5, where at least one wireless module is a traditional wireless module (*Cupps see figure 3, item 371*).

14. Claims 6,9,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cupps in view of Yeh and further in view of Kruys (US 2002/0181434).

Consider claim 6, Cupps in view of Yeh as applied to claim 5 lacks a teaches of where the mass storage device has one wireless module for data and another for commands.

Kruys teaches that it is advantageous to send control commands over a separate Wi-Fi channel in order to eliminate concerns about bandwidth efficiency (*Kruys see paragraphs 29, 48*). Therefore it would have been obvious to one of ordinary skill in the

art to modify Cupps in view of Yeh to have separate control and data channels in order to eliminate concerns about bandwidth efficiency as taught by Kruuys.

As to claim 9, note that Cupps in view of Yeh and in view of Kruys can operate on two separate wi-fi channels as shown above.

As to claim 10, the device of Cupps in view of Yeh and in view of Kruys could receive data on one wi-fi channel and send it to another wi-fi device using a second wi-fi channel as shown above.

As to claim 11, note that Cupps would translate the data into a form useable by the mass storage device (*Cupps see paragraphs 51-53, 61*).

Response to Amendment

15. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents

located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

16. Applicant's arguments filed May 30, 2008 have been fully considered but they are not persuasive.

17. Note that applicants amendment to claim 1 is only present in the preamble, the phrase has not been given life and meaning in the body of the claim. Nevertheless it is noted that the device of Cupps is a handheld device.

Conclusion

18. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J Sobutka whose telephone number is 571-272-7887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177.

22. The central fax phone number for the Office is 571-273-8300.

Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number.

CENTRALIZED DELIVERY POLICY: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the Central FAX number, unless an exception applies. For example, if the examiner has rejected claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number.

23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Philip J Sobutka/

Primary Examiner, Art Unit 2618

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